

Order

Michigan Supreme Court
Lansing, Michigan

September 23, 2011

Robert P. Young, Jr.,
Chief Justice

141160 & (80)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 141160
COA: 269250
Washtenaw CC: 05-001221-FH

MICHAEL WILLIAM MUNGO,
Defendant-Appellee.

By order of October 29, 2010, we granted leave to appeal the April 13, 2010 judgment of the Court of Appeals. By order of April 5, 2011, this case was held in abeyance pending the decision in *Davis v United States*, cert gtd ___ US ___; 131 S Ct 502; 178 L Ed 2d 368 (2010). On order of the Court, the case having been decided on June 16, 2011, *Davis v United States*, ___ US ___; 131 S Ct 2419; 180 L Ed 2d 285 (2011), we VACATE our October 29, 2010 order that granted leave to appeal, we VACATE the Court of Appeals judgment of April 13, 2010, and we REMAND this case to the Court of Appeals for reconsideration in light of *Davis*. The motion to file supplemental authority is DENIED as moot.

We do not retain jurisdiction.

ZAHRA, J., did not participate because he was on the Court of Appeals panel.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 23, 2011

Corbin R. Davis

Clerk